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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSHUA A. MARTINEZ,

14 Defendant.
15

Case No. 2:21-cr-00219-APG-DJA

**Reply in Support of Motion to
Modify Conditions of Release**

16 Joshua Martinez moved the Court to modify his conditions of release to
17 permit him to travel to Las Vegas on Saturdays to sell produce at a farmer's
18 market. ECF No. 77. The government's sole opposition to the requested
19 modification is that Mr. Martinez continues to pose a risk of danger to Deputy
20 DA Michael Dickerson and Detective Kenneth Mead. ECF No. 78. This argument
21 is unpersuasive.

22 As the government correctly notes, a year ago, on December 15, 2022, Mr.
23 Martinez made the same request for a modification to Magistrate Judge Koppe.
24 ECF No. 47. The government opposed the request on the basis that Mr. Martinez
25 posed a danger to DDA Dickerson and Detective Mead, ECF No 48, and the
26 magistrate judge denied the motion, ECF No. 51. The government believes it is

1 irrelevant that, a year later, Mr. Martinez has continued to comply with his
2 pretrial conditions, without violation, and has done *nothing* to indicate he poses a
3 danger to *anyone*. See ECF No. 78 at 2. Mr. Martinez has now been on pretrial
4 release for *26 months*. He is not asking the Court to relieve him of the arduous
5 conditions of home confinement or GPS monitoring; only to allow him to work, as
6 anticipated by his release conditions. See ECF No. 13 at 4, 6.

7 Mr. Martinez's pretrial services officer knows where he is at all times.
8 Whenever Mr. Martinez goes *anywhere* (including Las Vegas) his probation
9 officer tracks him via GPS. See ECF No. 13 at 5. These safeguards more than
10 "reasonably assure" the safety of DDA Dickerson and Detective Mead, see 18
11 U.S.C. § 3142(c)(1)(B)—they virtually guarantee it. More significantly, perhaps,
12 Mr. Martinez is set to come before the Court for sentencing in March. The terms
13 of his plea agreement allow him to ask for a non-custodial sentence. So why
14 would he violate his release conditions now? Mr. Martinez is simply asking for a
15 chance to provide for his family who, if he is sent to prison, will face severe
16 financial hardship. As a husband and father, he wants to begin mitigating that
17 potential hardship now.

18 Mr. Martinez asks the Court to grant the requested modification.

19 DATED: November 30, 2023.

20 RENE L. VALLADARES
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22 By: /s/ Joanne L. Diamond

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